



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, } Case No.: SACR 11-132 JVS-3  
Plaintiff, } ORDER OF DETENTION  
vs. }  
Emmad Faig Freihat, } Defendant. }

I.

A. (X) On motion of the Government in a case allegedly involving:

1. ( ) a crime of violence.
2. ( ) an offense with maximum sentence of life imprisonment or death.
3. (X) a narcotics or controlled substance offense with maximum sentence of ten or more years.
4. ( ) any felony - where defendant convicted of two or more prior offenses described above.
5. ( ) any felony that is not otherwise a crime of violence that involves a minor victim, or possession or use of a firearm or destructive device or any other dangerous weapon, or a failure to register under 18 U.S.C. § 2250.

1 B. ( ) On motion by the Government/( ) on Court's own motion, in a case  
2 allegedly involving:  
3 (X) On the further allegation by the Government of:  
4 1. (X) a serious risk that the defendant will flee.  
5 2. ( ) a serious risk that the defendant will:  
6 a. ( ) obstruct or attempt to obstruct justice.  
7 b. ( ) threaten, injure or intimidate a prospective witness or  
8 juror, or attempt to do so.  
9 C. The Government ( ) is/(X) is not entitled to a rebuttable presumption that no  
10 condition or combination of conditions will reasonably assure the defendant's  
11 appearance as required and the safety of any person or the community.  
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13 **II.**

14 A. (X) The Court finds that no condition or combination of conditions will  
15 reasonably assure:  
16 1. (X) the appearance of the defendant as required.  
17 (X) and/or  
18 2. (X) the safety of any person or the community.  
19 B. ( ) The Court finds that the defendant has not rebutted by sufficient evidence  
20 to the contrary the presumption provided by statute.  
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22 **III.**

23 The Court has considered:  
24 A. (X) the nature and circumstances of the offense(s) charged, including whether  
25 the offense is a crime of violence, a Federal crime of terrorism, or  
26 involves a minor victim or a controlled substance, firearm, explosive, or  
27 destructive device;  
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1 B. (X) the weight of evidence against the defendant;  
2 C. (X) the history and characteristics of the defendant; and  
3 D. (X) the nature and seriousness of the danger to any person or the community.

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5 **IV.**

6 The Court also has considered all the evidence adduced at the hearing and the  
7 arguments and/or statements of counsel, and the Pretrial Services  
8 Report/recommendation.

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10 **V.**

11 The Court bases the foregoing finding(s) on the following:

12 A. (X) As to flight risk: Defendant's submission to the Government's request for  
13 detention, Defendant's current state custodial status; Defendant's lack of  
14 bail resources.

15 B. (X) As to danger: The nature of the charged offense and Defendant's  
16 extensive criminal history.

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18 **VI.**

19 A. ( ) The Court finds that a serious risk exists the defendant will:  
20 1. ( ) obstruct or attempt to obstruct justice.  
21 2. ( ) attempt to/ ( ) threaten, injure or intimidate a witness or  
22 juror.

23 B. The Court bases the foregoing finding(s) on the following:

24 \_\_\_\_\_  
25 \_\_\_\_\_  
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28 **VI.**

- 1 A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.
- 2 B. IT IS FURTHER ORDERED that the defendant be committed to the custody of
- 3 the Attorney General for confinement in a corrections facility separate, to the
- 4 extent practicable, from persons awaiting or serving sentences or being held in
- 5 custody pending appeal.
- 6 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable
- 7 opportunity for private consultation with counsel.
- 8 D. IT IS FURTHER ORDERED that, on order of a Court of the United States or on
- 9 request of any attorney for the Government, the person in charge of the
- 10 corrections facility in which defendant is confined deliver the defendant to a
- 11 United States marshal for the purpose of an appearance in connection with a
- 12 court proceeding.

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14 Dated: August 3, 2011

15 /s/ Arthur Nakazato

16 ARTHUR NAKAZATO  
17 UNITED STATES MAGISTRATE JUDGE

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